

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ULYSSES BRAXTON,)	JUDGE CHRISTOPHER A. BOYKO
)	
Petitioner,)	CASE NO.1:94CR068-003
)	
-vs-)	
)	
UNITED STATES DISTRICT COURT,)	
)	
)	<u>ORDER</u>
Respondent.)	

CHRISTOPHER A. BOYKO, J.

Petitioner, Ulysses Braxton, ("Braxton") also known as Ulysses Clements, *pro se*, was tried by a jury and convicted in 1994 of 3 Counts of Armed Bank Robbery, a violation of 18 U.S.C. § 2113(a)(d); 4 Counts of Use of a Firearm During the Commission of a Crime of Violence in violation of 18 U.S.C. § 924(c)(1); and 1 Count of Conspiracy to Commit Armed Bank Robbery in violation of 18 U.S.C. § 371. Braxton was sentenced to 135 months plus mandatory, a 65 year consecutive, Restitution of \$39,941.00 and 5 years Supervised Release.

In a letter to the Court dated September 8, 2008 Braxton wrote:

"My correspondence with you today is in regards to the restitution payments that I have been ordered to pay in partial payments in this case. Today, I am enduring some difficulties with respect to how I am being compelled to pay on the restitution by the Federal Bureau of Prisons. . ."

". . . The problem that I am faced with is the institution is deviating from the court

order by taking money that is being forwarded to me from my parents. Currently, I have not worked since 15 December 2005. I have been on "MEDICAL UNASSIGNED STATUS" due to health restrictions, thereby making it wholly impossible for any money to be taken through any employment program."

Braxton raises another issue:

"Another issue that I would like to speak to you about is requesting if you could enter an order allowing me to use my name "Clements" which is my real name. "Braxton," you Honor, is the alias. Please review the caption of my indictment. I am respectfully requesting your consideration."

The Inmate Financial Responsibility program is designed to help Inmates satisfy Court ordered financial obligations. A financial plan¹ (Whole Trust Fund Account) is developed by the Unit Team/Manager and Inmate upon an Inmate's entrance to the prison. All monies received, whether from prison employment or community resources (gifts from family, friends) are considered when creating a plan. Once a payment plan and schedule are adopted the Inmate signs a contract which finalizes the agreement to a payment plan. Participation in the Inmate Financial Responsibility program is voluntary.

According to information obtained on February 20,2009 from Mr. Thomas, Braxtons' Case Manager, Braxton is currently in REFUSE status, meaning Braxton verbally refuses to participate in the program or make the agreed upon payments. Mr. Thomas assures the Court that any monies the Inmates receive are never taken by the prison.

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U.S. Department of Justice, Federal Bureau of Prisons Program Statement P5380.08 [Procedures § 545.11 "When an inmate has a financial obligation, unit staff shall help that inmate develop a financial plan and shall monitor the inmate's progress in meeting that obligation."]

Information received from the Federal Bureau of Prisons, Corrections Department², states that when an Inmate is in REFUSE status, there is no payment agreement and the prison cannot and does not take anything. Accounts are reviewed by the Unit Team and Inmate regularly. The Inmate is responsible for making satisfactory progress in meeting the financial responsibility plan and for providing documentation of payments to unit staff.

Braxton claims that he is being "compelled" to pay on his Restitution Order and the institution is "taking money" forwarded to him by his parents. The prison staff is responsible for encouraging Inmates to satisfy their financial obligations. Further, this Court³ has confirmation of payments Braxton has applied to his restitution obligation, but Braxton has not offered any evidence to support his claim that the prison is taking money.

Next, Braxton requests that the Court issue an Order allowing him to use his real name "Clements" because "Braxton" is the alias. The Court finds the Superseding Indictment charges Ulysses "Braxton" and "Braxton" is used in all subsequent pleadings. According to Braxtons' case manager, the Bureau of Prisons uses the name the Inmate is sentenced under as the commitment name and the Bureau of Prisons avoids name changes because they are time consuming and involve excessive paperwork.

Therefore, the Court finds that Braxtons' claim that the prison is taking his money is unfounded. The Court denies Braxtons' request for an Order changing his name to "Clements." This Court recognizes "Braxton," the name charged in the Superseding

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Information obtained from Sandra Kay, Financial Responsibility Program, Department of Corrections (202) 305-9681.

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The U.S. Courts Case Inquiry Report for Braxton, Ulysses, as of 2/24/09, shows the last restitution payment made by Braxton was on July 28, 2008 for \$25.00.

Indictment, but orders Braxton may caption his pleadings as "Ulysses Braxton Clements" when communicating with this Court.

IT IS SO ORDERED.

S/Christopher A. Boyko
Christopher A. Boyko
United States District Court Judge

April 7, 2009